Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Text

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PAGE 01 STATE 092303
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APPROVED BY ARA:CWBRAY
ARA/ECA:RWZIMMERMANN (DRAFT)
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D:DLAMB
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FM SECSTATE WASHDC
TO AMEMBASSY BRASILIA IMMEDIATE

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E.O. 11652: GDS

TAGS:PARM, ENRG, TECH, BR, GW

SUBJECT:U.S. DECISION ON PROTOCOL I OF TLATELOLCO TREATY

REF: BRASILIA 3054

1. AS EMBASSY HAS CITED, WE WOULD HOPE THAT U.S. ADHERENCE TO PROTOCOL I OF THE TLATELOLCO TREATY WOULD BE SEEN AS CONCRETE EVIDENCE OF THE U.S. COMMITMENT TO REGIONAL AND GLOBAL NON-PROLIFERATION GOALS. IT IS "NATURAL TO HOPE" THAT OUR ACTION WILL ENCOURAGE FULL PARTICIPATION IN THE

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TREATY BY OTHER STATES, INCLUDING (ALTHOUGH NOT SINGLING OUT) BRAZIL.

2. RE: PARA 2-B EMBTEL, SILVEIRA HAS, IN EFFECT, ALREADY MADE THE ARGUMENT YOU ENVISION IN HIS LETTER OF MARCH 18 TO OPANAL SECGEN GROSS ESPIELL (CITED IN MEXICO 4584, TEXT BEING SENT SEPTEL).

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3. WHILE WE RECOGNIZE THAT OUR PROTOCOL I DECISION WILL NOT, IN ITSELF, CHANGE THE BRAZILIAN POSITION ON WAIVING ARTICLE 28, PARTICULARLY IN THE ABSENCE OF RATIFICATION AND WAIVER BY ARGENTINA, THE U.S. ACTION SHOULD ENHANCE OUR CREDIBILITY IN SUGGESTING FULL BRAZILIAN ADHERENCE AS A POSSIBLE PART OF THE "PACKAGE" WHEN WE RESUME NUCLEAR TALKS WITH BRAZIL.
4. IN THIS REGARD, WE DO NOT SEE FULL BRAZILIAN ADHERENCE AS SUBSTITUTING FOR THE DEFERRAL OF TRANSFER OF THE SENSITIVE FACILITIES, ESPECIALLY REPROCESSING, WHICH CONSTITUTE SIGNIFICANT RISKS, WHATEVER THE SAFEGUARDS AND COMMITMENTS SURROUNDING THEM. (FYI: WE ARE PRESENTLY CONSIDERING POSSIBLE FALL-BACK APPROACH INVOLVING BRAZILIAN ADHERENCE TO TLATELOLCO, STRICTLY LIMITED ENRICHMENT, DEFERRED REPROCESSING AND COOPERATION IN NON-SENSITIVE ELEMENTS OF THORIUM NUCLEAR FUEL CYCLE. END FYI) IN TERMS, HOWEVER, OF THE ADDITIONAL DESIRABILITY OF FULL SCOPE SAFEGUARDS, TLATELOLCO APPEARS TO BE MOST PROMISING VEHICLE. I.E. IT IS A LATIN AMERICAN INITIATIVE WITH WHICH BRAZIL HAS BEEN CLOSELY IDENTIFIED IN EARLY STAGES; IT HAS NOT PROVOKED BRAZILIAN CRITICISM AS HAS THE NPT; AND THE IAEA AGREEMENT REQUIRED BY THE TREATY WOULD BE FULL SCOPE SAFEGUARDS. WE RECOGNIZE THAT BRAZIL'S INTERPRETATION OF TREATY'S ARTICLE 18 ON PNE'S PRESENTS A POTENTIAL PROBLEM. HOWEVER, IN VIEW OF IAEA DIRECTOR GENERAL'S POLICY THAT ALL AGENCY SAFEGUARDS MUST EXPLICITLY PROHIBIT PNE'S AND FACT THAT OLD SAFEGUARDS AGREEMENTS CONCLUDED TO DATE PURSUANT TO TLATELOLCO TREATY HAVE DONE SO, WE CONSIDER
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IT HIGHLY UNLIKELY THAT GOB COULD SUSTAIN ITS POSITION ON PNE'S IN NEGOTIATING A SAFEGUARDS AGREEMENT WITH THE IAEA.

5. IN SUM, WE DO NOT WISH TO REINFORCE ANY GOB SUSPICIONS THAT WE ARE ADHERING TO PROTOCOL I SPECIFICALLY AS A LEVER ON BRAZIL. BUT WE DO WISH ULTIMATELY TO MOVE THE GOB TOWARD SERIOUS CONSIDERATION OF FULL PARTICIPATION IN TLATELOLCO BEFORE ALL THE CONDITIONS ARE MET FOR AUTOMATIC ENTRY INTO FORCE FOR BRAZIL. SECONDLY, WE HOPE TO DEMONSTRATE -- AS WITH THE PRESIDENT'S DOMESTIC REPROCESSING DECISION -- THAT WE ARE NOT ONLY "PREACHING" TO OTHERS ABOUT NUCLEAR RISKS, BUT ARE WILLING TO PLACE SOME CONSTRAINTS ON OUR OWN ACTIONS IN FURTHERANCE OF NONPROLIFERATIONS GOALS.

6. PARAGRAPHS 2 THROUGH 5 ARE, OF COURSE FOR EMBASSY'S BACKGROUND ONLY. ONCE WE HAVE DEVELOPED SECOND STAGE NEGOTIATING APPROACH, ADDRESSING SAFEGUARDS AND RESTRAINTS NOTED ABOVE, WE WILL SEND YOU FURTHER GUIDANCE.

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Disposition Case Number: n/a
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